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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC
COMPANY,

Defendant.

3:14-cr-00175-WHA

CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION'S
SUBMISSION IN RESPONSE TO
COURT'S MARCH 6, 2019, REQUEST
[Dkt. No. 1028] RE SECOND ORDER TO
SHOW CAUSE WHY PG&E'S
CONDITIONS OF PROBATION
SHOULD NOT BE MODIFIED [Dkt. No.
1027]

1 On March 5, 2019, the Court issued its Second Order to Show Cause Why PG&E's
 2 Conditions of Probation Should Not Be Modified (Second OSC, Dkt. No. 1027), and on March 6,
 3 2019, the Court invited the California Department of Forestry and Fire Protection (CAL FIRE)
 4 and the California Public Utilities Commission (CPUC) to "comment on the conditions of
 5 probation proposed" in the Second OSC. (March 6, 2019, Notice to CPUC and CAL FIRE Re
 6 Second Order to Show Cause, Dkt. No. 1028.)

7 CAL FIRE provides this submission in an effort to assist the Court. In making this
 8 submission invited by the Court, as a non-party to this proceeding, CAL FIRE intends to preserve
 9 and does not waive its, or any other State agency's, Eleventh Amendment immunity. Because the
 10 California Constitution creates a structure of divided executive power, each agency of the State
 11 acts on behalf of the State within its own statutory and regulatory authority. *See Marine Forests*
 12 *Soc'y v. Cal. Coastal Comm'n*, 36 Cal. 4th 1, 31 (2005); *People ex rel. Lockyer v. Superior Court*,
 13 122 Cal. App. 4th 1060, 1078-80 (2004). CAL FIRE's submission is, thus, made solely on its
 14 own behalf, and this submission reflects the views of CAL FIRE alone and not any other state
 15 agency.

16 CAL FIRE thanks the Court for the opportunity to comment on the proposed conditions of
 17 probation. At this time, CAL FIRE has no comments in addition to those set forth in its January
 18 25 and February 6 submissions to the Court.

19 Dated: March 22, 2019

Respectfully Submitted,

21 XAVIER BECERRA
 22 Attorney General of California
 23 TRACY L. WINSOR
 24 Supervising Deputy Attorney General



25 KELLY A. WELCHANS
 26 Deputy Attorney General
 27 *Attorneys for Department of Forestry and*
 28 *Fire Protection*

SA2019300114

ORIGINAL

CERTIFICATE OF SERVICE

Case Name: **CalFire Response to District
Court Information Request
(PG&E Probation)**

No. **United States District Court,
Northern District
No. 3:14-CR-00175-WHA**

I hereby certify that on March 22, 2019, I filed the following documents with the Clerk of the Court:

**CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S
SUBMISSION IN RESPONSE TO COURT'S MARCH 6, 2019, REQUEST [Dkt. No.
1028] RE SECOND ORDER TO SHOW CAUSE WHY PG&E'S CONDITIONS OF
PROBATION SHOULD NOT BE MODIFIED [Dkt. No. 1027]**

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

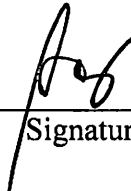
I further certify that I delivered courtesy copy, as follows:

Honorable District Judge William H. Alsup
Phillip Burton Federal Building
& United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

Courtesy Copy for Judge Alsup

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 22, 2019, at San Francisco, California.

P. Santamaria
Declarant


Signature